

**MINUTES**  
**WARRICK COUNTY AREA BOARD OF ZONING APPEALS**

Regular meeting held in the Commissioners Meeting Room,  
Third Floor, Historic Courthouse,  
Boonville, Indiana  
Monday July 22, 2013 at 6:00 P.M.

**PLEDGE OF ALLEGIANCE:** A moment of silence was held followed by the Pledge of Allegiance.

**MEMBERS PRESENT:** Jeff Valiant, Chairman, Don Mottley, Tina Baxter, Judy Writsel, Mike Winge, and Jeff Willis

Also present were Morrie Doll, Attorney, Sherri Rector, Executive Director; Molly MacGregor, and Jamie Key, Staff.

**MEMBERS ABSENT:** Terry Dayvolt

**MINUTES:** Upon a motion made by Mike Winge and seconded by Judy Writsel, the Minutes of the last regular meeting held June 24, 2013 were approved as circulated.

**VARIANCE:**

**BZA-V-13-12**

**APPLICANT:** Rhonda Riecken

**OWNER:** Frank & Mary Ann Riecken

**PREMISES:** Property located on the E side of St. Johns Rd approximately 920 ft N of the intersection formed by St. Johns Rd and Halwes Rd. Greer Twp. 7166 St. Johns Rd. (Complete legal on file)

**NATURE OF CASE:** Applicant requests a Variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for a one family dwelling to be constructed on a property with an existing one family dwelling to be removed in an "A" Agriculture Zoning District. (*Advertised in The Standard July 11, 2013.*)

Rhonda and Mary Ann Riecken were present.

The President called for a staff report.

Mrs. Rector stated they have all return receipts of certified mail from adjacent property owners. Mrs. Rector said the owners request a variance which would allow them to construct a new home with an attached garage on their property and leave their current home on the property until the completion of their new home. She said the existing land use is a single family dwelling with accessory buildings. She said the surrounding zoning and land use is property to the North is

zoned Agriculture and has a residence. She said property to the East and West is also zoned Agriculture and vacant, property to the South is zoned C-4 with a residence. She said there is no flood plain. Mrs. Rector said the property fronts St. Johns Road and has an existing driveway. She said according to the application the existing house was constructed in the 1940's, and added that the property owners wish to live in the old house until the construction of the new house is completed, at which time they plan to tear down the old house. Mrs. Rector said that you normally set a time period for the house to be demolished after the certificate of occupancy is issued. She stated that the application is in order.

Mary Ann Riecken and Rhonda Riecken stated their names.

Jeff Valiant asked if there were any questions from the Board.

Morrie Doll acknowledged Don Mottley's arrival at 6:05 p.m.

Judy Writsel asked if there is a limit on how many garages can be on a lot or attached to a house on a single family lot.

Mrs. Rector said there used to be a limit on nothing more than a four car garage, but that has been changed.

Judy Writsel said you can easily have six or seven vehicles.

Mrs. Rector stated the other unattached buildings would go by lot coverage.

Judy Writsel said she noticed there was room for five cars already and didn't know if that would be noncompliance, but since the rules have changed then that covers her question.

Mrs. Rector asked Rhonda Riecken if all of these will still be used.

Rhonda Riecken said yes they are storage buildings with overhead doors.

Jeff Valiant said that the only thing that will be coming down is the house.

Rhonda Riecken replies that, that is correct. She said they will be keeping the garage and storage buildings.

Jeff Valiant asks for any other questions from the Board.

Rhonda Riecken asked how long they have to tear down the old house.

Mike Winge said how much time will they need.

Rhonda Riecken said that her parents are in their eighties and they have a lot of stuff in their old house so as much time as possible.

Mike Winge questioned how soon they can start once the other house is completed.

Rhonda Riecken said they will start as soon as they are moved into the new house.

Rhonda Riecken also said that they don't want to start moving other stuff until they are moved into the new house. She said they don't want to get ahead of themselves.

Mrs. Rector said normally they give you ninety days after the home is complete and they are moved in.

Rhonda Riecken said, so we have ninety days and we can ask for more if needed.

Mrs. Rector said that is up to the Board in the motion.

Mike Winge said, yes that can be done.

Rhonda Riecken said they have to get someone to get in there and take it down once the new house is built. She said she is concerned that it will take some time.

Mrs. Rector states that you can request longer and see if the Board will make it in their motion.

Rhonda Riecken said that six months will be more than adequate, they want it gone and out of the way as soon as possible.

Jeff Valiant asks if there are any other questions.

Jeff Valiant asks Rhonda Riecken if she is asking for six months.

Rhonda Riecken replied yes. She added that they will get it gone as soon as they can.

Jeff Valiant states that if there are no other questions by the Board he will entertain a motion.

Mike Winge made a motion to approve the Variance Application based upon and including the following findings of fact:

1. The grant of the Variance will not be injurious to the public health, safety, morals, and general welfare of the Community. As such, it is further found that the granting of the Variance shall not be materially detrimental to the public welfare.
2. The use or value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. As such, it is further found that the granting of the Variance shall not result in substantial detriment to adjacent property or the surrounding neighborhood.
3. The need for the Variance arises from some condition peculiar to the property involved. The peculiar condition constituting a hardship is unique to the property involved or so limited to such

a small number of properties that it constitutes a marked exception to the property in the neighborhood. Such condition is that the property is remaining in the same owners name and the home is coming down; therefore there is no need for subdividing, meeting the subdivision ordinance.

4. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practical difficulty, unusual and unnecessary hardship if applied to the property for which the Variance is sought.

5. The approval does not interfere substantially with the Warrick County Comprehensive Zoning Ordinance adopted pursuant to IC 36-7-4-500 et seq.

6. The granting of the Variance is necessary in order to preserve a substantial property right of the petitioner to use the property in a reasonable manner, and not merely to allow the petitioner some opportunity to use his property in a more profitable way or to sell it at a greater profit.

7. That the hardship to the applicant's use of the property was not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of the Warrick County Comprehensive Zoning Ordinance.

8. The approval of the requested Variance is the least modification of applicable regulations possible so that the substantial intent and purpose of those regulations contained in the Warrick County Comprehensive Zoning Ordinance shall be preserved.

9. This Variance shall expire six (6) months after this date, UNLESS a Permit based upon and incorporating this Variance is obtained within the aforesaid six (6) month period or unless the provision of the Variance are adhered to within the aforesaid six (6) month period. Upon advance written application for good cause, a renewal for an additional six (6) month period may be granted by the Secretary of the Area Plan Commission.

10. The Variance Application is subject to the terms contained therein and the plans on file subject to the following additional conditions:

- a) Subject to an Improvement Location Permit being obtained.
- b) Subject to a Building Permit being obtained.
- c) Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
- d) Subject to all utility easement and facilities in place.
- e) Subject to the rules and regulation of the Health Department regarding septic system.
- f) Subject to existing house being removed from property within six months of issuance of the Certificate of Occupancy issued by Building Inspector.

Motion was seconded by Don Mottley and unanimously carried.

ATTORNEY BUSINESS: NONE

EXECUTIVE DIRECTOR BUSINESS: NONE

Being no other business the meeting adjourned at 6:13 p.m. Motion by Mike Winge, seconded by Don Mottley and unanimously carried.

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Jeff Valiant, Chairman

ATTEST:

The undersigned Secretary of the Warrick County Board of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of said Board at their monthly meeting held July 22, 2013.

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Sherri Rector, Executive Director